

REMARKS

Claims 1 - 5, 8 - 13 and 16 have been amended.

Claims 1 - 16 are pending and present in the subject application.

In the Office Action of November 2, 2007, the Examiner has indicated that the claims are not entitled to the priority dates, has rejected claims 1, 6, 7 and 8 under 35 U.S.C. §102(e), and has rejected claims 2 - 5 and 9 - 16 under 35 U.S.C. §103(a) . Favorable reconsideration of the subject application and allowance of all of the pending claims are respectfully requested in view of the following remarks.

Initially, the Examiner has indicated that the claims are not entitled to the priority dates. The Examiner takes the position that the claims are not supported by the prior-filed applications to which priority is claimed. Since the cited documents do not disclose, teach or suggest the claimed subject matter as discussed below, Applicants traverse the rejections on these grounds without prejudice or disclaimer of the claimed priority. This approach does not reflect the propriety of the Examiner's position with respect to priority, but rather, is for purposes of expediting prosecution of the subject application. Applicants reserve the right to antedate and/or remove any cited documents based on the priority claim.

The Examiner has rejected claims 1, 6, 7 and 8 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0063003 (Bero et al.). Briefly, the present invention embodiments are directed toward a primary device that detects the proximity of additional remote devices, which are intended to be within the same local network. The primary device communicates with the remote devices using wireless communication. In the

event that the remote devices are outside of a predetermined range, the remote devices are disabled.

The Examiner takes the position that the Bero et al. publication discloses the features within these claims.

This rejection is respectfully traversed. However, in order to expedite prosecution of the subject application, independent claim 1 has been amended and recites the features of: transmitting program services in the form of a plurality of audio/video signals from a headend facility to a plurality of receiving devices; a primary device for receiving and distributing the plurality of audio/video signals from the headend facility and including a wireless accessory for wireless communication with at least one remote device to distribute the audio/video signals; wherein the primary device determines a distance between the primary device and each remote device via the wireless accessory and facilitates disablement of the program services to each remote device with the determined distance from the primary device exceeding a predetermined distance.

The Bero et al. publication does not disclose, teach or suggest these features. Rather, the Bero et al. publication discloses a method of personal location monitoring in a wireless network. The system includes at least one wireless monitor device and at least one wireless communication device. The at least one monitor device is a bracelet, tag or other device worn by a child, while the at least one wireless communication device is a cellular phone used by a parent or guardian (e.g., See Paragraph 0014). The monitor device includes a transmitter that broadcasts an identification code, signal or number to the at least one wireless communication

device (e.g., See Paragraph 0015). The at least one wireless communication device measures the strength of the received signal. If a received signal is no longer detected or the signal strength is less than a predetermined threshold, an alarm is triggered (e.g., See Paragraphs 0016, 0025 and 0027). In addition, the monitor device may include a transceiver to receive a signal from the wireless communication device. The monitor device measures the strength of the signal from the wireless communication device and in response to the signal strength being less than a predetermined threshold, an alert is triggered on the monitor device (e.g., See Paragraphs 0018, 0025 and 0027).

Thus, the Bero et al. publication discloses providing an alarm when a monitoring device (i.e., bracelet or tag) is outside a desired range of a communication device (i.e., cellular phone). There is no disclosure, teaching or suggestion of a primary device distributing program services in the form of audio/video signals wirelessly to remote devices or, for that matter, the primary device determining a distance between the primary and remote devices and facilitating disablement of the program services to the remote devices exceeding a predetermined distance from the primary device as recited in independent claim 1. In fact, the monitoring device in the Bero et al. publication is simply a bracelet or other device worn by a child for transmitting a signal to a communication device, and does not accommodate any program services as recited in the independent claim.

Since the Bero et al. publication does not disclose, teach or suggest the features recited in independent claim 1, this claim is considered to be in condition for allowance.

Claims 6 - 8 depend from independent claim 1 and, therefore, include all the limitations of their parent claim. Claim 8 has been amended for consistency with its amended parent claim. The dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claim, and for further limitations recited in the dependent claims.

The Examiner has rejected claims 2 - 5 and 9 - 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,621,793 (Bednarek et al.) in view of the Bero et al. publication. Briefly, the present invention embodiments are directed toward a primary device that detects the proximity of additional remote devices as described above.

The Examiner takes the position that Bednarek et al. patent discloses the claimed subject matter, except for a remote device in communication with a primary device or a wireless accessory that detects the presence/absence of at least one remote device and determines the distance between the primary device, and if the primary device determines the distance to be within a predetermined distance, the remote device continues to receive signals. The Examiner further alleges that the Bero et al. publication discloses these features, and that it would have been obvious to combine the Bednarek et al. patent and the Bero et al. publication to attain the claimed invention.

This rejection is respectfully traversed. However, in order to expedite prosecution of the subject application, independent claim 9 has been amended and recites the features of: transmitting program services in the form of a plurality of audio/video signals from a headend facility to a plurality of receiving devices; a primary device for receiving and distributing the

plurality of audio/video signals from the headend facility and including a wireless accessory for wireless communication to distribute the audio/video signals; at least one remote device in wireless communication with the primary device to receive the program services; wherein the primary device determines a distance between the primary device and each remote device via the wireless accessory and facilitates disablement of the program services to each remote device with the determined distance from the primary device exceeding a predetermined distance.

The Bednarek et al. patent does not disclose, teach or suggest these features. Rather, the Bednarek et al. patent discloses an integrated receiver-decoder (set-top box) with a GPS receiver. A central access control remote from customers provides program data messages, a scrambling key, scrambled program signals and GPS information to a transmission medium (e.g., satellite signals) (e.g., See Fig. 1; Column 7, lines 24 - 25; and Column 8, lines 25 - 41). A set top-box at each customer location receives the signals from the transmission medium. The GPS receiver within the set-top box checks to see if the set-top box is at an authorized geographic location, and the set-top box allows descrambling of video signals only if the geographic location is authorized (e.g., See Abstract; Column 9, lines 19 - 28, and Column 9, line 62 - Column 10, line 1).

Thus, the Bednarek et al. patent discloses measuring a receiver-decoder or set-top box geographic location via GPS to determine whether the set-top box resides at a specific authorized location to allow descrambling of the program signal. There is no disclosure, teaching or suggestion of a primary device wirelessly distributing program services from a headend facility to remote devices, and determining a distance between the primary and remote devices to disable program services to the remote devices when the remote devices are outside a predetermined

range from the primary device as recited in independent claim 9. In other words, the Bednarek et al. patent measures the absolute geographic location of the set-top box (via GPS) to determine if the set-top box resides at a specific authorized geographic location, whereas the independent claim recites measuring the distance between primary and remote devices and disabling the remote devices when the devices roam beyond a predetermined distance from the primary device.

In addition, the Bednarek patent simply discloses the set-top box receiving program signals from a program source via a transmission medium (e.g., satellite system). There is no disclosure, teaching or suggestion of a primary device receiving program signals from a headend facility and further distributing those signals wirelessly to remote devices as recited in the independent claim. Even if the Examiner construes the central access control providing the program signals to the set-top box to read on this claimed feature, there is no disclosure, teaching or suggestion of measuring the distance between the set-top box and satellites (or central access control) to terminate program services when the set-top box is beyond a predetermined range as recited in the independent claim.

The Bero et al. publication does not compensate for the deficiencies of the Bednarek et al. patent. As discussed above, the Bero et al. publication discloses providing an alarm when a monitoring device (i.e., bracelet or tag) is outside a desired range of a communication device (i.e., cellular phone). There is no disclosure, teaching or suggestion of a primary device distributing program services in the form of audio/video signals wirelessly to remote devices or, for that matter, the primary device determining a distance between the primary and remote

devices and facilitating disablement of the program services to the remote devices exceeding a predetermined distance from the primary device as recited in independent claim 9.

Since the Bednarek et al. patent and Bero et al. publication do not disclose, teach or suggest, either alone or in combination, the features recited in independent claim 9 as discussed above, this claim is considered to be in condition for allowance.

Claims 10 - 16 depend, either directly or indirectly, from independent claim 9 and, therefore, include all the limitations of their parent claim. Claims 10 - 13 and 16 have been amended for consistency with their amended parent claim. The dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claims, and for further limitations recited in the dependent claims.

Claims 2 - 5 depend, either directly or indirectly, from independent claim 1 and, therefore, include all the features of their parent claim. Claims 2 - 5 have been amended for consistency with their amended parent claim. As discussed above, the combination of the Bednarek et al. patent and Bero et al. publication does not disclose, teach or suggest a primary device distributing program services in the form of audio/video signals wirelessly to remote devices or, for that matter, the primary device determining a distance between the primary and remote devices and facilitating disablement of the program services to the remote devices exceeding a predetermined distance from the primary device as recited in the claims. Accordingly, claims 2 - 5 are considered to be in condition for allowance.

In addition to the foregoing, it would not be obvious to combine the Bednarek et al. patent and Bero et al. publication. Initially, the Bednarek et al. patent discloses utilization of

GPS to determine a geographic location of a set-top box, where descrambling of video signals is permitted only if the geographic location is authorized. Since the Bednarek et al. patent utilizes measurement of absolute geographic positions, there is no apparent reason to employ the measurement of distances between communication and monitoring devices of the Bero et al. publication. In fact, since the set-top box receives program signals from a program source via a transmission medium (e.g., satellite system), the distances that can be measured include the distances between the set-top box and satellites, or between the set-top box and remote location for the central access control, which would be of little or no use in determining the proper location or range for the set-top box to control program services. Accordingly, the proposed combination of the Bednarek et al. patent and Bero et al. publication does not render the claimed invention obvious.

In view of the foregoing, Applicants respectfully request the Examiner to find the application to be in condition for allowance with claims 1 - 16. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Filed concurrently herewith is a Petition (with payment) for an Extension of Time of Two Months. Applicants hereby petition for any extension of time that may be necessary to maintain the pendency of this application. The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

AMENDMENT IN RESPONSE TO OFFICE ACTION MAILED NOVEMBER 2, 2007
APPLICATION NO. 10/676,968

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